

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

MARGARET KENNEDY, et al.,

Plaintiffs,

v.

ABB, INC., et al.,

Defendants.

**CIVIL ACTION
No. 06-CV-04305**

(Judge Nanette K. Laughrey)

**FIDELITY DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT
FOR BREACH OF FIDUCIARY DUTY**

Defendants Fidelity Management & Research Company ("FMRCo") and Fidelity Management Trust Company ("FMTC") (collectively the "Fidelity Defendants") respectfully move this Court for an order pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiffs' Complaint for Breach of Fiduciary Duty for the reasons set forth in the accompanying Suggestions in Support of Fidelity Defendants' Motion to Dismiss Plaintiffs' Complaint for Breach of Fiduciary Duty and granting such other and further relief as the Court deems just and proper.

Dated: April 6, 2007

Respectfully submitted,

BY: /s/ Richard N. Bien

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

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/s/ Adam B. Walker
